

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5584 of 2015

Most. Hemlata Devi Wife of Late Sadhu Saran Yadav. Resident of Village -
Chiraiyatard, Prem Jeweller, P.O.- G.P.O., P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Engineer Agrim Yojana Upbhag P.W.D. Govt. of Bihar, Patna.
3. The Superintending Engineer, Advance Planning Circle R.C. Department
P.W.D. Govt. of Bihar, Patna.
4. The Executive Engineer Bridge, Design Division No.3 Agrim Yojana Upbhag
P.W.D. Govt. of Bihar, Patna. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar
For the Respondent/s : Mr.Abbas Haider- Sc16

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-02-2019

Petitioner has approached this Court for grant of benefits
under Second Assured Career Progression Scheme.

2. Respondents have filed counter affidavit. It is stated
that the claim of the petitioner stands admitted. However, in
view of the fact that the petitioner was promoted as
correspondence clerk from peon during his service within first
five years therefore, the first ACP was not granted to the
petitioner. The benefit of second ACP was due to the petitioner
admittedly with effect from 09.08.1999. The respondents have
placed on record the office order dated 26.07.2010 authorizing/
sanctioning benefits under the Second Assured Progression
Scheme with effect from 09.08.1999 in the unrevised scale of
pay 4500-7000/-.



3. The admitted claim of the petitioner with effect from 1999 has been finally sanctioned in the year 2010. The claim of the petitioner was inordinately delayed due to inaction on the part of the respondent authority. Now at this juncture when the petitioner had already retired way back on 31.05.2003, an amount of Rs. 4875/- is raised as being outstanding from the petitioner. On account of a meager alleged outstanding of Rs. 4875/-, the petitioner is not paid his dues under office order dated 26.07.2010.

4. Considering the fact that the respondents are responsible for inordinate delay, this Court would have considered awarding some interest on the admitted dues of the petitioner. However, this Court would direct that the benefits on account of office order dated 26.07.2010 be paid to the legal heirs of the original writ petitioner including the instant writ petitioner expeditiously and without any undue delay, without raising the demand of Rs. 4875/- if not already paid.

5. Writ petition stands allowed with the aforesaid observation.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

